

Entered - 11/04/96 - tew
CL96L0753 - DIANNE C. MITCHELL

CLAIM OF: **VALDIMIR GRIFFIN,**
through his attorney,
Josette M. Chambers
3390 Peachtree Road
Suite 900
Atlanta, Georgia 30326

00- *R*-1832

For damages alleged to have been sustained as a result of the loss of
property in police property management during 1996 and 1998 at 175
Decatur Street, SE.

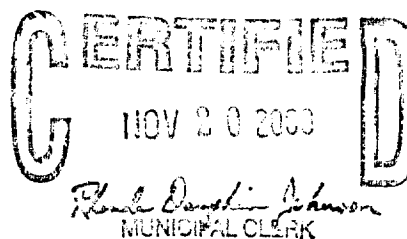
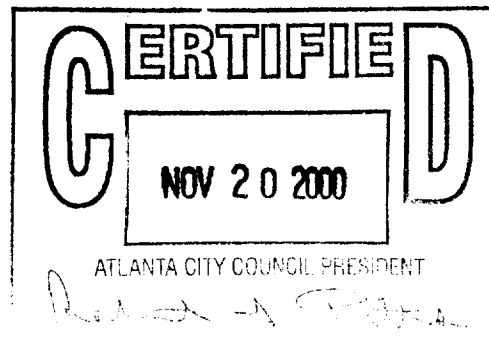
THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY NOV 20 2000
CITY COUNCIL

ADVERSED REPORT
COM Public Safety
2000 11/14/00
V-00 *Citla Hensler*
Mark...
...





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

November 28, 2000

Josette M. Chambers
Attorney at Law
3390 Peachtree Road
Suite 900
Atlanta, GA 30326

00-R-1832

RE: Valdimir Griffin

Dear Atrorney Chambers:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on November 20, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 96L0753

Date November 1, 2000

Claimant /Victim VALDIMIR GRIFFIN
BY: (Atty) Josette M. Chambers
Address: 3390 Peachtree Road, Suite 900, Atlanta, Georgia 30326
Subrogation: Claim for Property damage \$ 15,000.00 Bodily Injury \$
Date of Notice: 10/15/96 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/26/96 Place: 175 Decatur Street, SE
Department Police Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his personal property was destroyed by the Police Property Management Division. However, the claimant has failed to furnish information necessary to substantiate his claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned X

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

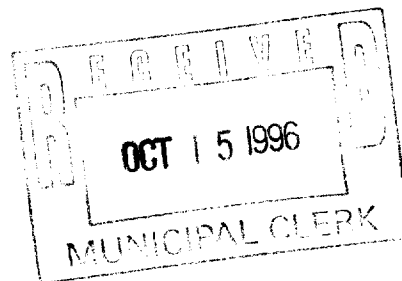
Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 11-01-00
Committee Action: Council Action

**JOSETTE M. CHAMBERS
ATTORNEY AT LAW**

Mitchell
10-21-96

October 8, 1996
ENTERED - 11/4/96 - tew
96L0753 - DIANNE C. MITCHELL

Council of The City of Atlanta
Clerk of the Council
City Hall
55 Trinity Avenue, S.E.
Atlanta, Georgia 30335



**Re: Ante Litem Notice
My Client Valdimir Griffin**

Dear Sir or Madam:

On behalf of my client, Valdimir Griffin, and pursuant to the Official Georgia Code Annotated provisions requiring ante litem notice, I am hereby notifying the City of Atlanta that Mr. Griffin has suffered property damages in the sum of \$15,000.00 as a result of the wrongful conversion of his personal property by the City of Atlanta Police Department.

The pertinent facts are these: Mr. Griffin was arrested on March 25, 1996 by City of Atlanta Police Department Officers D. Rasmussen and D. Little. At the time Mr. Griffin was changing residences and had in a borrowed sports utility vehicle the items listed on Attachment B, attached hereto; those items were confiscated. (Atlanta Police Department Complaint No. 96-085-1787). Mr. Griffin was released on bail and advised by Police Department officials that *all* of the items in his immediate possession at the time of arrest were being held as *evidence* and would not be released until after his case was disposed of. (See Mr. Griffin's Affidavit, attached hereto Attachment A.)

Mr. Griffin's case was heard on August 26, 1996, and the Court ordered that the guns listed on Exhibit B be forfeited. Mr. Griffin immediately proceeded to the Police Department's Property Unit to claim his remaining personal effects, as directed by officials in that department. It was at that time that Supervisor J. Crawford and Receptionist J. Byrum advised him that certain of that property was missing.

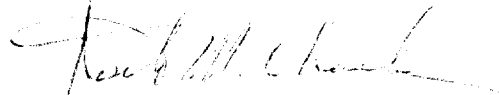
Upon a cursory investigation, it was discovered that with the exception of Exhibit B, Items 1 through 8, the property (identified on Exhibit B with an asterisk) had been sold or otherwise disposed of. The excuse given was that the property, in fact, was, in fact, listed as *property* as opposed to *evidence* and, therefore, was subject to storage time limitations. Both Supervisor Crawford and Receptionist Bynum admitted to error on part of the Police Department in that the officials incorrectly advised Mr. Griffin that all of his property was considered *evidence* as opposed to *property*.

But for the Police Department's initial misrepresentation each and every one of the items listed on Exhibit B were considered evidence and, therefore, not to be released until after the disposition of Mr. Griffin's case, those items actually deemed property would have been retrieved within the appropriate time frame.

The personal property listed on Exhibit B was not covered by insurance.

On behalf of Mr. Griffin, I hereby acknowledge that this claim in no waives the Governmental Immunity of the City of Atlanta, as granted by State Law, or is it an admission of liability on behalf of the City of Atlanta and/or its employees.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Josette M. Chambers".

Josette M. Chambers
Attorney at Law

cc: Mr. Valdimir T. Griffin

00- *R* -1832

Council President Pro Tem Starnes
Presided

RCS# 2401
11/20/00
2:00 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-18

00-R-1849
(Morris Voted NAY)

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1111
00-R-1693
00-R-1694
00-R-1695
00-R-1696
00-R-1697
00-R-1804
00-R-1835

CONSENT

		11/20/00 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
1. 00-O-1690 2. 00-O-1691 3. 00-O-1692 4. 00-O-1845 5. 00-O-1864 6. 00-O-0728 7. 00-R-1702 8. 00-R-1703 9. 00-R-1705 10. 00-R-1707 11. 00-R-1850 12. 00-R-1865 13. 00-R-1851 14. 00-R-1873 15. 00-R-1622 16. 00-R-1623 17. 00-R-1699 18. 00-R-1775* 19. 00-R-1776* 20. 00-R-1777* 21. 00-R-1782 22. 00-R-1687 23. 00-R-1668 24. 00-R-1786 25. 00-R-1789 26. 00-R-1799 27. 00-R-1800 28. 00-R-1813 29. 00-R-1814	30. 00-R-1815 31. 00-R-1849# 32. 00-R-1858 33. 00-R-1862 34. 00-R-1787* 35. 00-R-1790 36. 00-R-1791 37. 00-R-1794 38. 00-R-1798 39. 00-R-1861 40. 00-R-1686 41. 00-R-1843 42. 00-R-1869 43. 00-R-1870 44. 00-R-0973 45. 00-R-0816 46. 00-R-1803 47. 00-R-1805 48. 00-R-1806 49. 00-R-1807 50. 00-R-1808 51. 00-R-1809 52. 00-R-1810 53. 00-R-1811 54. 00-R-1812	55. 00-R-1816 56. 00-R-1817 57. 00-R-1818 58. 00-R-1819 59. 00-R-1820 60. 00-R-1821 61. 00-R-1822 62. 00-R-1823 63. 00-R-1824 64. 00-R-1825 65. 00-R-1826 66. 00-R-1827 67. 00-R-1828 68. 00-R-1829 69. 00-R-1830 70. 00-R-1831 71. 00-R-1832 72. 00-R-1833 73. 00-R-1834 74. 00-R-1836 75. 00-R-1837 76. 00-R-1838 77. 00-R-1839 78. 00-R-1840 79. 00-R-1841 80. 00-R-1842 * President Pitts recused himself. # Lee Morris not voting.